

**IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[2026] SGHC 88

Magistrate's Appeal No 9124 of 2025

Between

Public Prosecutor

... Appellant

And

Chan Jun Hong

... Respondent

GROUNDS OF DECISION

[Criminal Procedure and Sentencing — Sentencing — Appeals]
[Criminal Procedure and Sentencing — Sentencing — Forms of punishment
— Probation]
[Criminal Procedure and Sentencing — Sentencing — Young offenders]

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Public Prosecutor

v

Chan Jun Hong

[2026] SGHC 88

General Division of the High Court — Magistrate's Appeal No 9124 of 2025
Tay Yong Kwang JCA
24 April 2026

27 April 2026

Tay Yong Kwang JCA:

1 This is the Prosecution's appeal against the decision of the District Court to call for a probation suitability report and, after accepting the recommendations in the report, ordering the respondent to undergo supervised probation for 15 months. The probation order was to be subject to the following conditions:

- (a) time restriction from 11pm to 6am;
- (b) performance of 80 hours of community service; and
- (c) the respondent's parents to sign a bond for \$5,000.

Facts

2 The respondent, born on 6 April 2002, pleaded guilty to the following charge:

You, on 23 June 2023, at or about 2.53am, at 8 Bayfront Avenue, Marina Bay Sands, Singapore, voluntarily caused hurt to one Davidov Aharon (“Davidov”), where the hurt you intended to cause was not grievous, but the hurt which you actually caused was grievous, by punching Davidov at the area near his right eye, which caused him to suffer a right orbital floor fracture and right frontal sinus fracture, and you have thereby committed an offence under Section 323A of the Penal Code 1871.

The punishment for this offence is imprisonment for up to five years or a fine of up to \$10,000 or both.

3 The respondent admitted to the facts set out in the Statement of Facts (“SOF”) below:

1 The accused is Chan Jun Hong (T02XXXXXX), a 22-year-old Singaporean male.

2 The victim is Davidov Aharon, a 58-year-old male.

3 On the night of 22 June 2023, the accused went drinking at Sim Lim Tower with his friends. After drinking, the accused and one of his friends, one Jian Wei, decided to go to the Casino (“the Casino”) at Marina Bay Sands (“MBS”) located 8 Bayfront Avenue, Singapore 018955.

4 The accused and Jian Wei were at the Casino, on 23 June 2023, from 2am to about 2.38am. At 2.38am, the accused and Jian Wei sought to leave MBS by making their way to the taxi stand outside the Casino. As he was walking through a set of glass doors leading to the taxi stand, the accused got into a short physical dispute with an unknown Sikh male (“A1”) who was on his way to the Casino. This is shown in the attached footage marked “Footage1”. The accused and A1 pushed and scolded each other during this dispute. However, the pair were quickly split up by their respective groups of friends.

5 Rather than leave MBS, the accused decided to wait around the vicinity, for when A1 came through the same glass

doors to leave the Casino. The accused wanted to retaliate against A1 for their earlier dispute. He waited until about 2.53am on 23 June 2023. This is shown in the attached footage marked “Footage 2”.

6 At about 2.53am, the victim exited the Casino and made his way to the taxi stand of MBS. The accused saw the victim and in his drunken state, mistook the victim for A1. As the victim walked through the glass doors leading from the Casino to the taxi stand, the accused shouted at the victim and swung a punch at his face. The accused did so intending to cause hurt to the victim.

7 The accused’s punch landed on the victim’s face, near his right eye. This caused the victim to suffer several injuries, including fractures to his right orbital floor and his right frontal sinus. The details of the injuries the accused caused to the victim are contained in the attached medical report marked “28 May Medical Report”, and the clarificatory reports marked “Clarificatory Reports”. A photo of the injury, showing the bruised area where the victim was punched, is also attached and marked “Image 1”. The victim was given hospitalisation leave of 7 days, as shown in the attached medical report marked “30 May Medical Report”.

8 The accused tried to hit the victim a second time, but was held back first by Jian Wei, and subsequently restrained by security officers at the scene. The victim was taken to the Emergency Department at Singapore General Hospital for treatment.

9 When the accused was interviewed by police on 11 July 2023, he admitted that he was heavily intoxicated at the time he attacked the victim. He claimed that after the dispute with A1, the next thing he remembered was being restrained by the security officers and subsequently being informed that he had hit the wrong person.

10 On 23 June 2023, at about 2.53am, the accused had thus voluntarily caused hurt to the victim, where the hurt he intended to cause was not grievous, but the hurt which he actually caused was grievous, by punching the victim at the area near his right eye, which caused the victim to suffer an acute displaced right orbital floor fracture and right nasal bone fractures, among other injuries, and he has thereby committed an offence punishable under Section 323A of the Penal Code 1871.

The decision of the District Court

4 Before the District Court, the Prosecution submitted that imprisonment should be imposed on the respondent. However, counsel for the respondent urged the District Court to place the respondent on probation. As mentioned earlier, the District Court made a probation order with the conditions set out at [1] above. It found that the respondent had demonstrated an extremely strong propensity for reform and was therefore satisfied that rehabilitation should replace deterrence as the dominant sentencing consideration. The District Court also agreed with the recommendations in the probation suitability report.

5 The Prosecution appealed and applied for a stay of the probation order pending the appeal. Counsel for the respondent had no objections to the stay. The District Court ordered the stay of the probation order and granted bail to the respondent.

My decision

6 At the time of the offence, the respondent was 21 years and two months old. On 4 July 2024, he was enlisted for National Service in the Singapore Armed Forces (“SAF”). He will complete his National Service on 3 July 2026.

7 I was informed by the Prosecution that the victim had indicated that he wished to pursue civil remedies against the respondent. Therefore, the question of compensation by the respondent was not raised.

8 As the respondent was an adult at the time of the offence, the appeal before me centred on whether deterrence should be replaced by rehabilitation as the dominant sentencing consideration. The Prosecution contended, relying on established case law, that rehabilitation would be the dominant operative

concern for an adult offender only if he demonstrated an extremely strong propensity for reform or if there existed other exceptional circumstances warranting the grant of probation. The Prosecution submitted that there were no exceptional circumstances raised and there was inadequate evidence of an extremely strong propensity for reform.

9 The probation officer relied on the respondent's account of the facts relating to the offence and there were at least two instances where his account contradicted the material facts set out in the admitted SOF. Despite accepting that the respondent had been untruthful in recounting the facts of the offence, the probation officer maintained her recommendations in the report.

10 The Prosecution submitted that the respondent ought to have been sentenced to imprisonment for at least 12 to 14 weeks, in line with the sentencing framework set out in *Ang Boon Han v Public Prosecutor* [2024] 5 SLR 754. This submission took into account the respondent's rehabilitative progress and the recommended 30% reduction in sentence set out in the Sentencing Advisory Panel's Guidelines on Reduction in Sentences for Guilty Pleas.

11 Counsel for the respondent submitted that it was while the respondent was undergoing basic military training that he first demonstrated an exceptional propensity for reform. He admitted to his then trainer, 3SG Raphael Ong Yun Sen, that he had committed the offence and that he realised that it was caused by alcohol intoxication. He expressed his regret at having drunk alcohol at the time of the offence and expressed his realisation that he became aggressive when drunk. 3SG Raphael Ong counselled him to avoid alcohol and to avoid friends who liked to drink. The respondent expressed his commitment not to make the same mistake again.

12 Counsel for the respondent also tendered an undated letter from the respondent’s superior in the SAF, commending the respondent for his conscientious approach to duty, his diligence, reliability and good discipline. Although this letter should have been tendered before the District Court and not only at the appeal, I accepted it as there was no reason to doubt its authenticity.

13 Counsel for the respondent asked that the probation order be affirmed in its totality. Alternatively, if a term of imprisonment was considered more appropriate, he submitted that it should be two to four weeks less than the Prosecution’s suggestion of 12 to 14 weeks. This was to acknowledge the progress made by the respondent which evidenced some propensity for reform.

14 After hearing the parties, I made the following remarks in deciding to allow the Prosecution’s appeal against sentence:

1 National Service appears to have done some good for the respondent, Mr Chan Jun Hong, in terms of maturity and discipline. The Prosecution acknowledged this when it altered its sentencing position downwards by two weeks “in recognition of the respondent’s rehabilitative progress” (Prosecution’s written submissions at [13]).

2 However, despite the progress, there are still some conflicting signals about Mr Chan’s honesty. These would have a bearing on whether he had come to terms with what he had done and whether he is truly remorseful about the offence. They also affect the question whether he is someone with an extremely strong propensity for reform.

3 The first conflicting signal was discussed by the District Judge (“DJ”) in his grounds of decision: *Public Prosecutor v Chan Jun Hong* [2026] SGDC 25 at [46]. Mr Chan was not completely truthful when he gave an account of the events in the offence to the probation officer. He was waiting for the intended victim for 15 minutes because he wanted to exact vengeance, not to demand an apology. It was also not true that he “immediately backed off and apologised after he realised that he had punched the victim” as stated in the probation report. His account to the probation officer contradicted what he had admitted to in the SOF without qualification. It was clear that

he was attempting to minimise the seriousness of the offence, committed in a public place while intoxicated.

4 The second conflicting signal was his apparent lack of candour in his communications with 3SG Raphael Ong, whom we commend for his dedication to duty and care for the men under his charge. On 2 February 2025, when 3SG Raphael Ong spoke to Mr Chan over the phone, Mr Chan mentioned that “he has kept his promise to me not to drink again. During the festive period, he has made it a point not to partake in drinking”.

5 This claim does not sit well with the probation report dated 17 April 2025 which was called for by the DJ on 7 March 2025. In that report, Mr Chan was reported to have stated that after the commission of the offence, he reduced his drinking significantly and drank only during special occasions such as Chinese New Year or family members’ birthday celebrations and that he consumed a maximum of 2 cans of beer each time. It was also reported that his parents advised him to reduce his alcohol consumption and to drink in moderate amounts to prevent another incident like the offence in issue and that he was receptive.

6 It was therefore not true that Mr Chan had kept his promise to 3SG Raphael Ong not to drink again and that during the festive period, he made it a point not to partake in drinking alcohol. Alcohol was the apparent catalyst for the offence outside the Marina Bay Sands Resort on 23 June 2023 at about 2.53am. However, Mr Chan does not appear to have come to terms with how to deal with his drinking habit.

7 I am therefore not satisfied that Mr Chan has shown an extremely strong propensity for reform.

8 In any event, the offence that was committed in this case does not justify the replacement of deterrence by rehabilitation as the central sentencing consideration. It was a totally unprovoked attack on an innocent 58-year-old man who happened to walk out of the MBS complex that early morning. Mr Chan was waiting for some 15 minutes at that location in order to have his revenge for a relatively minor incident for which he was not entirely without fault. As his counsel said in his written submissions (at [3]), he “accidentally bumped into a stranger entering the complex” and was pushed with much force. The offence was therefore clearly not something committed by a young man impulsively. He had the time to think and to cool down. He probably did not because he was “heavily intoxicated” as he admitted to the police on 11 July 2023 (SOF at [9]).

9 On this point about intoxication, I disagree with the Prosecution's written submissions at [80] where the Prosecution stated that Mr Chan's intoxication was a neutral factor because there was no evidence that he had reason to believe he would turn violent when drunk. This argument runs contrary to case law which held that voluntary intoxication leading to an offence while under its influence is not only not a mitigating factor, it is instead an aggravating one.

10 I therefore allow the Prosecution's appeal against the order of probation. The order is set aside.

11 On the facts here, I would have imposed 4 months' imprisonment had the matter proceeded to trial and resulted in a conviction. On account of Mr Chan's early plea of guilt and his progress during National Service, I reduce the imprisonment term to two months. This is to take effect today unless there are reasons for postponement of commencement of sentence.

15 After conferring with the respondent, his counsel said that the respondent wished to start serving his imprisonment immediately. The imprisonment term of two months is therefore with effect from 24 April 2026. Counsel for the respondent also informed me that he would contact the SAF about the respondent's imprisonment term so that the reason for his absence from his National Service is made known.

Tay Yong Kwang
Justice of the Court of Appeal

Chan Yi Cheng and Vishnu Menon (Attorney-General's Chambers)
for the appellant;
Lee Yoon Tet Luke (Luke Lee & Co) for the respondent.